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OF THE



BUREAU OF LABOR STATISTICS

STATE OF CALIFORNIA

For the six months ending December 31, 1911.

JOHN F. McLAUGHLIN

Commissioner

948 Market Street
SAN FRANCISCO



SACRAMENTO

FRIEND WM. RICHARDSON

SUPERINTENDENT STATE PRINTING

1912



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LETTER OF TRANSMISSION.

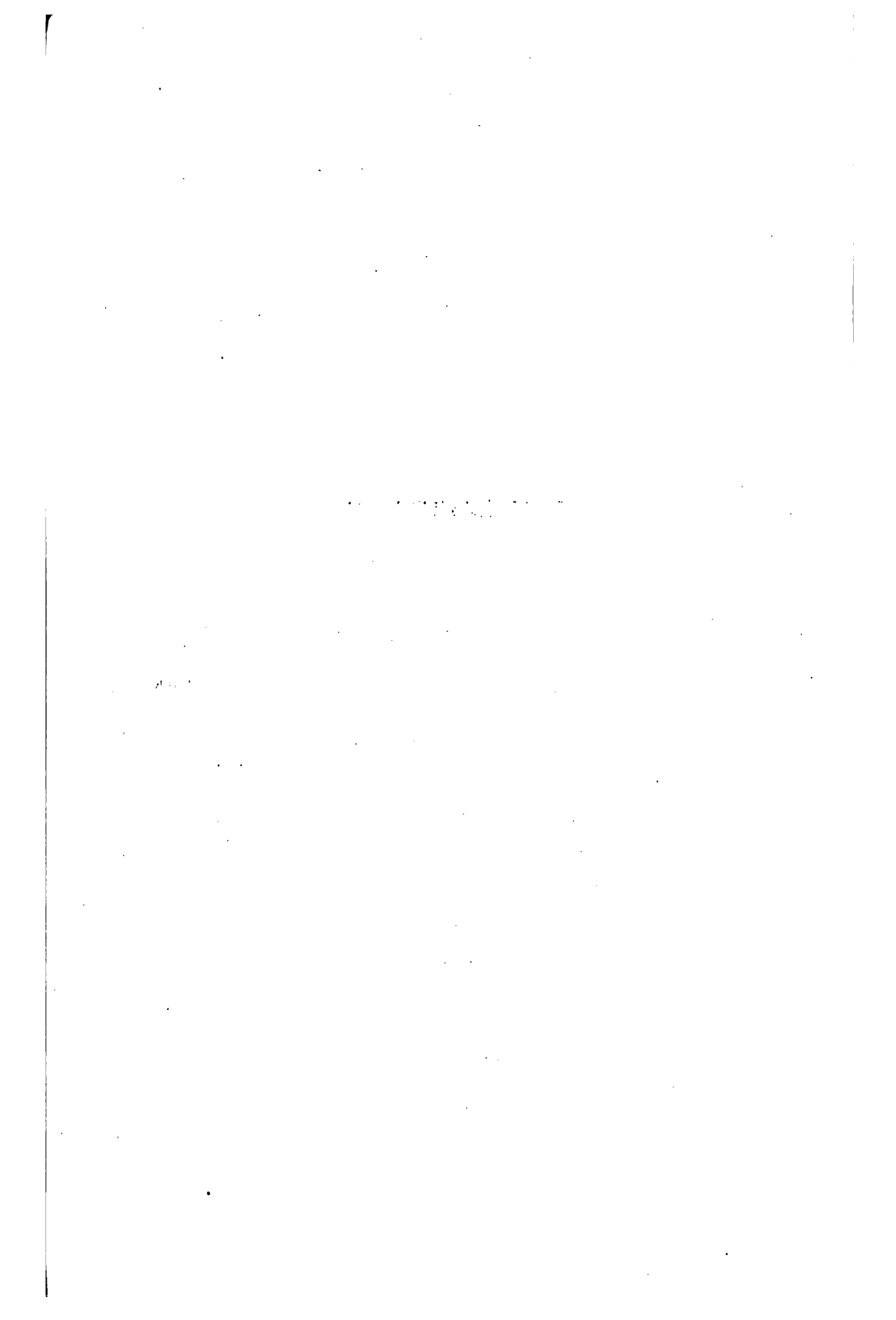
His Excellency, HIRAM W. JOHNSON,
Governor of California.

STATE BUREAU OF LABOR STATISTICS,
SAN FRANCISCO, April 19, 1912.

SIR: I have the honor to submit herewith a special report on the work of this Bureau for the six months ending December 31, 1911.

Respectfully,

JOHN P. McLAUGHLIN,
Commissioner.



REPORT

OF THE

BUREAU OF LABOR STATISTICS FOR THE SIX MONTHS ENDING DECEMBER 31, 1911.

Upon my taking office, I found that the previous work of the Bureau had been confined principally to the gathering and tabulation of statistics. There were only four laws on the statute books which expressly stated that the enforcement thereof devolved upon this Bureau, namely, the child labor law, the ten hour law for drug clerks, factory inspection law, and the employment agency law. I immediately inaugurated a new policy, based upon the theory that the purpose of the Bureau was to enforce the provisions of all laws pertaining to labor—whether or not any specific mention was made as to who should enforce them. For example, the eight hour law for women, pay check law, payment of wage law, the weekly day of rest law, laws for the protection of labor on buildings, laws pertaining to labor on public works, and many others, all of which contain no provision for their enforcement, nor carry any appropriation for defraying the cost entailed, and as a result would have passed into the limbo of forgotten statutes. In assuming this self-imposed work of enforcing all labor laws, I fully realized the enormous task that lay before the Bureau, but justified it in the great amount of good that would flow therefrom, and the results obtained far surpass anything that I had hoped to accomplish.

While we have assumed this additional work, it must be borne in mind that none of the other work of the Bureau has been neglected; in fact, it has been our aim to advance it beyond the work accomplished in previous years.

In presenting this report, I will dwell principally upon the more important labor laws and describe in a brief manner what has been accomplished under them. In the Fifteenth Biennial Report of this Bureau the results of our work will be described more fully.

The Child Labor Law.—As a measure affecting the public welfare this law ranks foremost, and I am pleased to state at this time that California stands in the front rank of the states in respect to the character of its child labor law and probably first in the enforcement thereof. The legislature of 1911 made many important changes in the child labor law, among which were the raising of the age under which a child could work—with an age and schooling certificate—from fourteen years to fifteen years; raising the age for night work from sixteen to eighteen years, and providing for the return to school of all children under sixteen within two weeks after ceasing to work.

After making an investigation of the conditions surrounding child labor, I found that one of the greatest obstacles in the way of enforcement was the indiscriminate issuance of certificates by teachers and principals of public and private schools. The first step was to limit the number of persons authorized by law to issue these certificates. This

was done by placing a strict interpretation upon section 3 of the child labor law, thus making one person responsible in each locality. The next step was to place the issuance of certificates upon a proper basis. The Bureau prepared and had printed all the various certificates and permits required under the provisions of the child labor law and distributed them to the persons authorized by law to issue same. The age and schooling certificates and the juvenile court permits were all numbered, and in duplicate, and at the end of each six months must be accounted for in a report filed with this Bureau. In order to give the law the greatest amount of publicity and at the same time inform the public of the new order of things, this Bureau prepared a circular of instructions and a digest of the child labor law, which was sent to the school department and the probation officers in every county, and to the principal newspapers throughout the State. Owing to a conflict in the compulsory education law and the child labor law—the latter providing that no child under fifteen years of age shall be employed without a juvenile court permit, which can not be obtained unless the parents of the child are incapacitated through illness—and the former law providing that a child under fifteen who had graduated from the prescribed grammar school grades, can not be compelled to attend school—we were obliged to issue a new form of certificate, which we termed a "Temporary Work Permit." This certificate is issued only through our office, to children under fifteen years of age who have completed the prescribed grammar school course. For the six months ending December 31, 1911, eighty-one of these certificates were issued in the State of California.

Shortly after the new system was in operation, the special agents of the Bureau visited and inspected the principal establishments employing child labor in the larger cities and saw that the law was being obeyed. Since then our agents have been checking up on the employment of children, in their regular work of inspection; 3,000 establishments having been inspected up to December 31, 1911. I take great pride in again stating that California now stands out as an example of what can be done in the way of keeping children out of the factory and store and keeping them in the school.

The Eight Hour Law for Women.—This law was passed by the legislature of 1911, and became effective April 21, 1911. Immediately upon its becoming effective, this Bureau undertook its enforcement, and had 5,000 copies of the law printed and distributed. In proceeding with our work of enforcement, the Bureau pursued its usual policy of first serving a warning on persons violating the provisions of the act. The majority of persons so warned are inclined to heed such a warning and to comply strictly with the law.

In the case of those who refuse or neglect to heed our warning, we are obliged to resort to criminal prosecutions. In prosecuting cases against violators of the eight hour law, we were seriously handicapped, owing to the reluctance with which women will testify against their employers. This reluctance is due to the belief that such testimony would cause them to lose their positions. This has been overcome, however, by resorting to a system of watching, in which we have detailed men to actually keep a record on the length of time the women are employed. The evidence thus obtained has never failed to secure a conviction. We were

compelled to resort to this method of keeping watch, especially against the French laundries, after several unsuccessful attempts to prosecute them from evidence that we endeavored to secure from the women employed therein.

A great deal of comment was made—both by prominent persons and the press—as to the effect of the eight hour law upon the economic conditions of the women themselves and upon business in general. In order to ascertain whether there was any merit in these contentions, our special agents were instructed to ask the following questions from each establishment employing women, in making their round of inspection :

- (1) Have any women been discharged on account of the eight hour law ?
- (2) Have the wages of women been reduced ?
- (3) Statement of views of the employer on the eight hour law.
- (4) Statement of views of the women on the eight hour law.

While our work along this line is not yet complete, the answers obtained in over 2,000 establishments employing women, up to the present time, show that less than a dozen women have been actually discharged on account of the eight hour law. Further, that there has been practically no reduction in wages, even in the case of those women working on piece work. We were informed that these women accomplished as much in eight hours as they did formerly in eight and a half and nine hours. In some factories the rate has been slightly increased to permit them to earn as much as formerly. The majority of employers in these factories informed us that the eight hour law has improved the efficiency of the women. In other words, that they accomplish more in a shorter period of time. Over 75 per cent of employers of women stated that they had no objection to offer against the law, while about 20 per cent stated that they had no objection to a forty-eight hour a week law, but were opposed to a strict eight hour a day law. This objection was based principally upon the inconvenience caused in the office departments around the first of the month. Less than 5 per cent of the employers voiced any opposition to the eight hour law. Numerous statements appeared that women were being displaced by men. In our investigation we have run across only two or three instances of this kind. We have compared schedules obtained a year ago from the principal employers of women, and find, almost without exception, that the number of women employed has increased rather than diminished. While, as stated before, our work is not yet complete, I believe that our investigation will show that the eight hour law has not driven women out of the industrial ranks, but, to the contrary, that it has furnished employment for a greater number of women.

Another question arose respecting the eight hour law, namely, its effect upon the trade during the Christmas holidays. The representatives of some of the large institutions employing women called upon me and requested that I agree to a suspension of the operation of the law during the holiday season, on the ground that if they complied with the law they would be compelled to close evenings and this, they stated, would inconvenience the purchasing public—especially the workingmen—who could not shop during the day. These representatives were informed that under no condition would the Bureau be a party to any agreement

as to the cessation of the operation of the eight hour law, and that the large department stores, like all other institutions, would have to adjust themselves to the requirements of their holiday business on such a basis as to come strictly within the act, and further, that any violation of the law coming to our attention would be promptly prosecuted. Intimations were made that the law would be violated and that before the cases could be prosecuted the holiday season would be over. These violations, however, did not materialize, probably owing to the fact that we informed the persons making the intimation that we would call upon the entire legal machinery of the State, if necessary, in order to maintain our position, if such violations were attempted.

In order to ascertain whether the arguments advanced relative to the dire results that would flow from a strict enforcement of the eight hour law during the holiday season had any merit, shortly after the first of the year we made personal visits to the large department stores and other institutions catering to the holiday trade, and questioned them as to the operation of this law. We also provided them with a list of questions, which we requested them to answer. This investigation proved of great interest and importance, as it brought out very clearly the fact that the opposition to most laws is based on a preconceived idea as to their effects, which is generally disproven upon their being tried out. Outside of the fact that these firms were put to considerable trouble in arranging their forces and adjusting their time schedules, the investigation failed to substantiate any of the arguments advanced as to the evil results that would follow a strict enforcement of the eight hour law; but it must be borne in mind that this was the first year the law was in operation, and of necessity these establishments were not prepared or experienced in adjusting forces. With this year's experience to hand, however, there is no reason why they should be inconvenienced in the slightest degree at the next holiday season.

The schedule of questions which we asked of these institutions was as follows:

- (1) Approximate number of females employed this season and the season of a year ago.
- (2) Comparison of the amount of business done this season and the season of a year ago.
- (3) Comparison of the cost of doing business of these two seasons, especially as to increase due to the eight hour law.
- (4) The hours during which the establishment was open during the holiday season.
- (5) The arrangement of the hours of labor of the female employees.
- (6) The extent of inconvenience, if any, to both customer and employer, due to the operation of the eight hour law.

A few of the establishments have refused to answer these questions, and we must, therefore, assume that they have no objections to offer to the law as it stands. The replies to question 1 show that the number of females employed was all the way from 10 to 30 per cent greater in the season of 1911 than it was in 1910. Replies to question 2 indicate that the amount of business done during the season of 1911 was from 5 to 25 per cent greater than that of the season of 1910, the general increase being from 15 to 20 per cent. The replies to question 3 show that the

cost of doing business, due to the eight hour law was from $2\frac{1}{2}$ to 10 per cent greater than formerly, but when we consider that the volume of business had increased on an average of from 15 to 20 per cent, this slight increase in cost did not materially reduce the earnings of these establishments. In reply to question 4, we found that the majority of the establishments in Los Angeles remained open evenings only three days before Christmas, while in San Francisco many remained open evenings from one week and others closed at their usual hour. In answer to question 5, the general methods pursued were to divide the women employees in three shifts. The first shift usually started at 9 o'clock, the second at 12, and the third at 2 p. m. Some institutions closed their establishments between the hours of 5 and 7 p. m. Replies to question 6 are of considerable extent and variety, but summing up in a general way they show that while the public may have been inconvenienced to some degree, they will be in a position to know that their holiday purchases next season must be made at an earlier date, as we have been assured by several of the larger institutions that they do not intend to keep their establishments open evenings again during the holiday season. It rests with the purchasing public whether or not they desire to make the operation of the eight hour law objectionable. There is no reason why, if women are in sympathy with this statute, they can not make their holiday purchases in the regular hours of the day during which these establishments are usually open. As respects the inconvenience to the employer, the general objection was in reference to their work rooms or alteration departments, in which they claim it was necessary to turn out work in a very short space of time, and the further objection to their period of stock taking, immediately following the holiday season, when they require their entire force to work longer hours for a few days in order to accomplish the work in the shortest space of time.

In summing up, I desire to say that our work had disclosed the fact that the enforcement of the eight hour law has failed to bring forth any of the bad results predicted by its opponents. The large majority of employers are endeavoring to comply with the spirit of the law. This last statement is based upon the ever decreasing number of complaints as to the violations of the law received by this Bureau.

Payment of Wage Law.—This law was passed by the legislature of 1911, and became effective July 1, 1911. The law is of far greater importance than I was at first led to believe. It is not only a labor law, but a law tending to prevent men and women from being dragged out of the ranks of industrial citizens into the ranks of "hoboes" and criminals. Our work in the enforcement of this law more than convinced us that many men, after having been refused payment or having had payment delayed for work done, are compelled to walk the streets hungry and are finally driven to crime through desperation. The argument has often been advanced that these men could apply to the civil courts, but as a matter of common knowledge, very few attorneys will undertake to prosecute cases involving only a few dollars, and further, that a lawsuit is poor nourishment for an empty stomach. In handling the cases for the collection of wages, we have fought away from criminal prosecutions, as far as possible, always endeavoring to obtain payment through an appeal to the sense of justice of the employer.

During the six months ending December 31, 1911, there were filed in the Bureau 903 complains for non-payment of wages, out of which we were able to effect 663 settlements, amounting to \$13,181.17. These claims for wages ranged from as low as 60 cents to up over \$200, the average claim being \$19.88, an amount which is too small to justify any attorney to collect same through the regular channels of a civil court, and still great enough to keep a man or woman from becoming a public charge. The claims in which no settlements were secured were such that, after a thorough investigation, proved to have no merit, or were beyond our power to enforce. In only ten instances were we obliged to resort to the criminal courts. Five of these cases were dismissed by consent, upon the employer paying the full amount of wages in court.

Pay Check Law.—This act became operative on May 1, 1911, and, as was said of the payment of wage law, it is not only a labor law, but in a measure aims to prevent starvation and vagrancy and the results that flow therefrom. It was common practice before the law went into effect for large corporations and contractors to pay men off in checks, payable in from sixty days to six months after date, or in non-negotiable paper payable at some place without the State. This Bureau had copies of the law printed and distributed, and further, informed large employers of labor that its provisions would have to be complied with. We have been very successful in the enforcement of this law and only in two instances did we have to resort to the courts, and these cases are still pending. Whenever we notified employers they were violating the law, they immediately changed the form of their pay check to comply with the interpretation placed upon the act by this Bureau.

Employment Agency Laws.—There are two laws pertaining to employment agencies—one defining their duties and liabilities, passed in 1903—the other imposing a state license issued by this Bureau, passed in 1909. These two laws are of great importance to the workingmen and to the community at large. Under the provisions of the first law, we have compelled the employment agents to return the fees paid and expenses incurred whenever they have made misrepresentations to men seeking employment. In the short space of time covered by this report, we have secured the return of fees and expenses in 226 cases, involving the sum of \$1,055.75, while in sixteen other cases new positions were furnished. This number, however, does not in any way show the settlements made by the various employment agencies. A great many claims are now settled at the offices of the agencies, as they have come to learn the position that this Bureau takes in respect to any misrepresentations on their part. These misrepresentations are not always intentional, but nevertheless we have held that the working man or woman should not suffer for the mistakes of the agencies.

In years gone by, men and women have paid their last dollar for fees and railroad fares and, upon arriving at their destination, found that no such employment as they had paid for existed, thus leaving them stranded hundreds of miles from home, and was the cause in many instances of turning an industrious person into a vagrant.

Shortly after assuming office, I learned that the actors and actresses were being treated in very much the same manner by theatrical booking

agencies. Many cases were brought to our attention where the former would be booked over a route covering several weeks, only to receive instructions from the booking agent, while at a distant point, that there were no further bookings for them, thus leaving them high and dry in some strange part. If they remonstrated, they were politely informed to apply to the civil courts for redress, the booking agent knowing that these performers had no time to spend waiting around to prosecute a civil action for breach of contract. I, therefore, notified these booking agents that I considered them within the definition of an employment agency and ordered them to take out a state license. They are now under the jurisdiction of this Bureau, and we have been enabled to put a stop to the vicious practices employed by some of them.

It would require an extended report to cover our work in enforcing other labor laws, and I will, therefore, only make brief mention of some of them at the present, and will leave the details for our biennial report.

I found that the ten hour law for drug clerks was generally disregarded, and sent a formal notice to each and every drug store in the State, informing their proprietors that they would have to comply with the provisions of the act. This was followed up by a personal inspection by our agents in all the larger cities and towns.

A pamphlet was prepared containing laws relative to labor on public works, and mailed to all the officials of the various counties having jurisdiction or supervision over public work, together with a letter notifying them that we would demand strict compliance with these laws.

Considerable time has been devoted to the enforcement of laws relative to sanitation and ventilation of factories and workshops, particularly to the installation of blowers. We have ordered fans and blowers installed wherever a process was carried on which produced dust or filaments injurious to the health of employees.

Under the provisions of an act approved May 1, 1911, which prohibits minors under the age of eighteen years from vending or engaging in business between the hours of ten in the evening and five in the morning, we have been able to keep the newsboys off the streets during these hours. On one occasion we rounded up the newspaper offices in San Francisco at 2 o'clock in the morning and took into custody twenty-three boys under the age of eighteen years. The cases were tried before the judge of the juvenile court. We did not desire to have any convictions standing against the boys, and the court, therefore, dismissed them with a reprimand. This had the desired effect, and very few violations have since been drawn to our attention.

In enforcing the law pertaining to temporary floors in buildings under construction, we have had notices printed and posted on buildings warning all persons interested to comply with the provisions of the statute. In all instances where we have posted these notices, the temporary floors have been immediately installed. This law is of extreme value in protecting the lives of mechanics, especially upon tall steel structures.

The weekly day of rest law was resurrected from the realm of forgotten legislation. This law has been on the statute books since 1893, but had remained a dead-letter. In enforcing this act we have taken

into consideration the fact that it would require a campaign of education in order to accustom the employing public with a law that had been inoperative for such a long period of time. We have, therefore, pursued the policy of sending copies of the law and a notice to comply, in every instance where a complaint has been made, and are gradually taking up the industries in which the violations have been most flagrant and the hours of labor excessive.

Aside from the work of enforcing the various labor laws of this State, we have endeavored to lend assistance in the way of advice and help to all persons applying at the offices of the Bureau. We have assisted in the filing of mechanics' liens, the filing of claims for labor in bankruptcy proceedings, claims for labor done on public works, and many other matters concerning the welfare of labor.

In closing, I desire to submit a few statistical tables which will serve to show at a glance the work entailed and the results obtained in the enforcement of these laws.

**Record of Complaints Filed in Bureau and Investigated During the Six Months
Ending December 31, 1911.**

Nature of complaint.	Total for State.	San Francisco Office.	Los Angeles Office.
(a) Non-payment of wages.....	908	645	258
Eight hour law for women.....	370	292	78
(b) Employment agencies.....	267	210	57
Child labor.....	51	41	10
Blowers.....	47	28	19
Sanitation.....	42	42	
Scaffolding.....	4	4	
Weekly day of rest.....	6	6	
Total.....	1,690	1,268	422

(a) Non-payment of wages.

	Claims filed.	Claims collected.	Amount of wages collected.
San Francisco Office.....	645	488	\$9,682 08
Los Angeles Office.....	258	175	3,499 14
Total for State.....	908	663	\$13,181 17

(b) Employment agencies.

	Complaints filed.	Fees and expenses ordered returned.		New positions furnished.	Dismissed.
		Number.	Amount.		
San Francisco Office.....	210	177	\$912 80	8	25
Los Angeles Office.....	57	49	142 95	8	
Total for State.....	267	226	\$1,055 75	16	25

**Record of Prosecutions Conducted by the Bureau During the Six Months Ending
December 31, 1911.**

Nature of offense.	Total for State.	San Francisco Office.	Los Angeles Office.	Disposition of case.		
				Convicted.	Dismissed.	Pending.
Child labor law.....	15	12	3	7	8	-----
Eight hour law for women.....	41	28	13	22	8	11
Payment of wages.....	10	3	7	1	8	1
Pay check.....	2	-----	2	-----	-----	2
Employment agents—Advance fees.....	2	2	-----	1	1	-----
Employment agents—License.....	1	1	-----	1	-----	-----
Misrepresentation as to strikes.....	2	2	-----	2	-----	-----
Blower law.....	3	1	2	1	2	-----
Ten hours law for drug clerks.....	1	-----	1	1	-----	-----
Weekly day of rest.....	2	-----	2	-----	2	-----
Total.....	79	49	30	36	29	14
*Vending at night.....	23	23	-----	-----	23	-----
Total.....	102	72	30	36	52	14

*These cases were against newsboys, and this Bureau did not desire to obtain convictions against the boys. The arrests were more in the nature of a warning.

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